ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 397 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case

17.11.2026

Barrister S. Ahsan Ali Shah, advocate for the applicant

Following questions of law had been proposed for determination :

> Whether the learned Tribunal failed to appreciate that the assessment proceedings were initiated within the prescribed limitation period as per section 122(2) and (4) of the Income Tax Ordinance, 2001, and that the plea of "Time-barred proceedings" raised by the taxpayer was misconceived and contrary to law, particularly when the case had been validly selected for audit under section 214C and proceedings were concluded within statutory time limits as per section 122(2) of the Ordinance, 2001 amended through Finance Act, 2009?

Learned counsel demonstrates that pursuant to order for substituted service, service has been effected through publication and the relevant excerpt of the newspaper is on file.

Learned counsel points out that the department has been non-suited on account of limitation without the law having been appreciated or even discussed. He demonstrates from paragraph 9 that perfunctory treatment has been given to the said issue and the import of Section 122 subsection 2 of the Income Tax Ordinance, 2001 has entirely been ignored. Under such circumstances, he seeks that the impugned judgment be set aside and the matter be remanded back to the learned Tribunal for adjudication afresh in accordance with law and the issue of limitation be determined at the very onset. Plea appears well reasoned. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge

Amjad